

Wilmington, Delaware  
September 6, 2012

#3714

Sponsor:

Council  
Member  
Robinson

Co-Sponsors:

Council  
Members  
Prado  
Potter  
Brown

**WHEREAS**, pursuant to Wilm. C. (Charter) §8-205, a department head, board or commission of the City shall not sell or exchange any real estate belonging to the City or grant any license, easement, right-of-way or other interest over in such real estate without advertised public notice appearing in at least one daily newspaper of City-wide distribution and "authority by general ordinance and later resolution from the Council so to do"; and

**WHEREAS**, Wilm. C. §2-621(a) provides that the Council shall by resolution declare a property approved for disposition and authorize the conduct of disposition proceedings by the Department of Real Estate and Housing; and

**WHEREAS**, the provisions of Wilm. C. §2-621(c) provide that governmental agencies, governmental authorities organized pursuant to Title 22 of the Delaware Code and non-profit organizations are exempt from the City's bid procedures and that upon the declaration of a property as surplus, by resolution of City Council, the City may negotiate an agreement of sale, lease, exchange, or other transfer of such property owned by the City to any such governmental agency, governmental authority or non-profit organizations; and

**WHEREAS**, Habitat for Humanity of New Castle County is seeking to build new homes to be sold at or below 50%-80% of the annual median income on certain real property located at 2213, 2215, 2217, 2219, 2221, 2223 and 2225 Carter Street and 5, 9, 11, 46, 54, and 56 East 22<sup>nd</sup> Street, being Tax Parcel Nos. 26-022.30-378, 26-029.20-027, 26-029.20-028, 26-029.10-108, 26-029.20-029, 26-029.20-030, 26-029.20-031, 26-029.20-032,

26-029.20-033, 26-022.30-380, 26-022.30-381, 26-029.10-104 and 26-029.10-105 (collectively, the "Property"); and

**WHEREAS**, in accordance with the recommendation of the Department of Real Estate and Housing, the City desires that the interest of the City in the Property be declared surplus and be approved for disposition and transferred to Habitat for Humanity of New Castle County, a non-profit corporation, for the construction of new homes.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Council hereby declares as surplus and authorizes and approves the disposition of any interest the City of Wilmington may have in the Property, to Habitat for Humanity of New Castle County, a non-profit corporation, for the construction of new homes.

**BE IT FURTHER RESOLVED** that Council authorizes the Director of Real Estate and Housing to execute any and all documents necessary to effectuate the transfer of the Property, including any and all undertakings and assurances heretofore.

Passed by City Council,  
September 6, 2012

ATTEST: Maribel Seijo  
City Clerk

Approved as to form this  
21 day of August, 2012

Thomas Carney  
Assistant City Solicitor

**SYNOPSIS:** This Resolution declares as surplus and authorizes and approves the disposition to Habitat for Humanity of New Castle County of any interest the City may have in 2213, 2215, 2217, 2219, 2221, 2223 and 2225 Carter Street and 5, 9, 11, 46, 54, and 56 East 22<sup>nd</sup> Street.